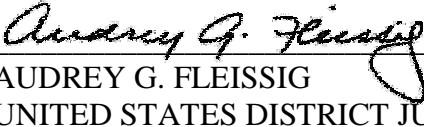


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DOUGLAS PHILLIP BRUST, D.C., P.C.,        )  
  )  
Plaintiff,                                      )  
  )  
v.    )        No. 4:14-CV-01170-AGF  
  )  
  )  
ORTHOPEDIC PHARMACEUTICALS,              )  
INC., et al.,                                  )  
  )  
Defendants.                                    )

**MEMORANDUM AND ORDER**

**IT IS HEREBY ORDERED** that Plaintiff's motion (Doc. No. 4) for class certification, filed on July 1, 2014, is **DENIED without prejudice** to refiling such a motion later in the proceedings, pursuant to the schedule set forth in the Case Management Order ("CMO") governing this case. Any Offer of Judgment made only to the named Plaintiff before the Court rules on a motion for class certification filed in accordance with the CMO will be stricken. *See Prater v. Medicredit, Inc.*, \_\_\_ F.R.D. \_\_\_, 2014 WL 3973863, at \*3 (E.D. Mo. Aug. 2014); *Johnson v. U.S. Bank Nat'l Ass'n*, 276 F.R.D. 330, 334 (D. Minn. 2011).

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 21<sup>st</sup> day of October, 2014.